

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

ROBERT GARDNER,

Plaintiff,

v

LANSING COMMUNITY COLLEGE and
THE MICHIGAN EDUCATION
ASSOCIATION, JULIE PETRY, and
BEVERLY BALIGAD,

Defendant.

Case No. 1:10-cv-326

Hon. Robert J. Jonker

Mag. Judge Hugh W. Brenneman, Jr.

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**ORDER GRANTING DEFENDANTS, LANSING COMMUNITY
COLLEGE, JULIE PETRY AND BEVERLY BALIGAD'S, MOTION TO
COMPEL DISCLOSURES UNDER FED. R. CIV. P. 26(a)**

The parties herein, by and through their respective counsel, having appeared at a session of this Court held on February 17, 2011, at which time oral argument was heard on Defendants, Lansing Community College, Julie Petry and Beverly Baligad's, Motion to Compel Disclosures

Under Fed. R. Civ. P. 26(a); this Court having read and reviewed those Defendants' Motion and Brief, Plaintiff's Response, and having considered oral argument of counsel;

IT IS HEREBY ORDERED that Plaintiff shall provide Defendants with a calculation of Plaintiff's damages, setting forth a detailed calculation of those damages on or before February 24, 2011. Plaintiff will be precluded from seeking any damages at trial that are not set forth, in detail, in those disclosures.

IT IS FURTHER ORDERED that Plaintiff shall provide Defendants with all documents concerning Plaintiff's efforts to mitigate his alleged damages and, to the extent that it exists, a copy of the instructional letter Plaintiff referenced during his deposition in response to Exhibit 1 to that deposition where he claimed he did not correct the reference to his race being White because the instructional letter said not to make any corrections, together with a copy of the letter Plaintiff referenced during his deposition that he claims to have sent to the investigator confirming Plaintiff's request to have Exhibit 1 to his deposition changed so that he was not designated as being White. Plaintiff shall provide those materials to Defendants on or before February 24, 2011.

IT IS FURTHER ORDERED, based upon the stipulation of Plaintiff's counsel, that Plaintiff has no other documents in support of his claims, other than those documents provided by these Defendants in their Rule 26 Disclosures.

IT IS FURTHER ORDERED, based upon representation made by Plaintiff's counsel, that the only witnesses Plaintiff may call in his case-in-chief are Plaintiff, Julie Petry, and Roxanne Greenia of Lansing Community College, whom Plaintiff's counsel will call to offer testimony about meetings they had with Plaintiff that he described during his deposition, actions taken, and their decision making process.

Dated: Feb. 24, 2011

/s/ Hugh W. Brenneman, Jr.
Magistrate Judge Hugh W. Brenneman, Jr.

Approved as to form for entry:

s/ Richard A. Meier w/permission
Richard A. Meier (P38204)
Attorney for Plaintiff

s/ William F. Young w/permission
William F. Young (P35656)
Attorney for Defendant Michigan Education
Association

s/ Scott L. Mandel
Scott L. Mandel (P33453)
Attorney for Defendants Lansing Community
College, Julie Petry and Beverly Baligad